

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MARGARET M. TRICE,

Plaintiff,

v.

Case Number 05-10144-BC

Honorable. David M. Lawson

Magistrate Judge Charles E. Binder

COMMISSIONER OF SOCIAL SECURITY

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT, AND AFFIRMING COMMISSIONER'S FINDINGS**

This matter is before the Court on the report issued by Magistrate Judge Charles E. Binder on January 9, 2006 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1 recommending that the Court grant the defendant's motion for summary judgment, deny the plaintiff's motion for summary judgment, and affirm the Commissioner's findings. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 12] is **ADOPTED**, the defendant's motion for summary judgment [dkt # 11] is **GRANTED**, and the plaintiff's motion for summary judgment [dkt # 8] is **DENIED**.

It is further ordered the findings of the Commissioner are affirmed and the complaint is  
**DISMISSED WITH PREJUDICE.**

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: February 6, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 6, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS